

Telecommunications Relay Services (TRS) Center Data Request Instructions

A. General Information

This request has been designed to identify total TRS cost and demand data requirements and to assure consistency in the development of an average rate per interstate minute to be effective January 2000 through December 2000. Cost data submitted on this data request should be:

- **total annual costs** of providing TRS in each center, including local, intrastate, interstate and international costs
- reported in **only one category**; the total of all data categories should reflect the total costs of each center
- **actual 1998 costs, annualized costs for 1999, and projected costs for 2000 and 2001**
- **costs actually associated with TRS**; if a center performs multiple functions, such as operator services and TRS, an allocation of expenses will be required to report the costs associated with TRS. Any allocated costs should be developed from accounting records using acceptable and supportable allocation methods.

If your company has more than one TRS center, use a separate data request form for each center; also complete a data request form with all centers' expenses and label it **CONSOLIDATED REQUEST**.

Almost all costs of providing interstate TRS, whether as part of a state contracted service or a standalone service, **are reportable** for inclusion in the development of the reimbursement rate. **Costs associated with the following are not to be included:** 900 service, 711 access. However, to prepare for the **future development of speech to speech and video relay reimbursement rates**, cost data for information purposes only is being collected this year in Section II.G and H. Demand data for both services is being collected in Section III.B and C.

To better understand expenses that are only attributable to interstate TRS, there is a separate section in this submission, Section II.F, in which to **report interstate only TRS expenses**. An example would be an advertising or marketing campaign that was **specific to a provider's interstate only service**. These expenses **will be included** in the 2000 rate development; care should be taken to ensure they are not also reported in another section of the form.

Return completed responses on or before **July 15, 1999** to:

Maripat Brennan
NECA
100 South Jefferson Road, Room 1E04
Whippany, New Jersey 07981

The **original signed forms must be returned** to NECA. Questions concerning the data request should be referred to Maripat Brennan at 973-884-8063 or via email to mbrenna@neca.org.

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B. Form Instructions

I. Provider/Center Identification

A. Service Provider/Administrator

Provide the requested information about the TRS provider -- the entity responsible for providing interstate TRS. The contact name requested is the name of the person who will serve as the official provider interface for the interstate TRS Fund Administrator.

B. Center Location

Enter the address of the center through which TRS is provided. The contact name requested here is the person familiar with center operations and demand data.

C. Data Request Response

List the name and contact information for the person to whom questions and requests for clarification regarding the data request response should be directed.

D. Changes, Activities & Improvements

If significant changes have occurred or are expected to occur with this center's service, please provide an explanation.

E. Other Center Information

Provide the requested information for each state served in the reporting center. The rate information is confidential and will not be shared with anyone outside of NECA. Indicate with a check whether the rate is for a completed/conversation or a total/session minute.

II. Total Annual TRS Expense Data

Include all costs attributable to providing TRS as required under Part 64 of the FCC rules, such as gathering traffic, the center itself, and handing off calls to the interexchange carrier. TRS costs do not include the costs of the interexchange carrier terminating the call after it leaves the center; those costs are recovered by the carrier from the TRS user. When reporting expenses, please round only to the next dollar; report all amounts in whole dollars.

A. Annual Recurring Fixed/Semi-Variable Expenses

1. **Rent:** Annual payments solely for land and/or buildings rented for the provision of TRS.
2. **Utilities:** Expenses associated with land and buildings, such as water, sewerage, fuel, and power. Telephone service costs, such as center toll free numbers, local and foreign exchange should also be included here.
3. **Building Maintenance:** Expenses for maintenance and repair.
4. **Property Tax (if owned):** Taxes paid on property owned and used for the provision of TRS.
5. **Furniture (if leased):** Lease or rental expenses associated with center furnishings.

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6. **Office Equipment (if leased):** Lease or rental expenses associated with office equipment.

Subtotal Section A expenses.

B. Annual Recurring Variable Expenses

1. **Salaries and Benefits:** Compensation to employees, such as wages, salaries, commissions, bonuses, incentive awards and termination payments; payroll related benefits paid on behalf of employees, such as pensions, savings plans, workers' compensation required by law, insurance plans (life, hospital, medical, dental, vision); and social security and other payroll taxes.
2. **Telecommunications Expenses:** Expenses associated with costs of inspecting, testing, analyzing and correcting trouble; repairing or reporting on telecommunications plant (switching, transmission, operator, cable and wire) to determine need for repairs, replacements, rearrangements, and changes; costs for activities, such as controlling traffic flow, administering traffic measuring and monitoring devices, assigning equipment and load balancing, collecting and summarizing traffic data, administering trunking, and assigning interoffice facilities and circuit layout work. *Note: expenses reported here should be in addition to the telephone service expenses reported in Section A, 2.*
3. **Office Expenses:** Expenses associated with procuring office equipment and supplies; includes materials and repairs.
4. **Staff Management:** Costs incurred in providing overall administration and management, such as fees and expenses for office staff, secretaries, staff assistants, etc.; costs of supervision and office support.
5. **Billing Expenses:** Rating of toll messages and billing functions not recovered from other sources.
6. **Relay Center Management:** General and administrative costs not included in other accounts, such as providing food services, reference libraries, archives, and mail services.

Subtotal Section B expenses.

C. Annual Administrative Expenses

1. **Finance/Accounting:** Costs incurred in providing accounting and financial services. Accounting services include payroll and disbursements, property accounting, capital recovery, regulatory accounting, tax accounting, auditing, capital and operating budget and control, and general accounting. Financial services include banking operations, cash management, benefit investment fund management, etc.
2. **Legal/Regulatory:** Costs incurred for legal and regulatory services. Legal services include conducting and coordinating litigation, providing guidance on regulatory and labor matters, court costs, filing fees, cost of counsel, etc. Regulatory services include preparing and presenting information for regulatory purposes, such as responding to this data request.
3. **Engineering:** Costs incurred in the general engineering of the TRS telecommunications plant; includes costs of research and development leading to implementation of new TRS feature unless specifically excluded like 900 service, 711 access, etc.
4. **Operations Support:** Costs of training, scheduling, and counseling employees.

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5. **Human Resources:** Costs incurred in performing personnel administration activities, including recruiting, hiring, forecasting, planning, and reporting.
6. **Billing:** Administrative costs of rating and providing billing information to interexchange and Exchange carriers, if not recovered by other means.
7. **Contract Management:** Costs of managing activities required by the provider contracts.
8. **Risk Management:** Management costs associated with workmen's compensation, payments in settlement of accident and damage claims, insurance premiums against losses and damages, sickness and disability payment, etc.
9. **Other Corporate Overheads:** Other administrative costs of providing TRS not included in previous categories, including marketing, advertising, customer service. **Note: Outreach expenses should be reported in Section II, E, 4.**

Subtotal Section C expenses.

D. Annual Depreciation/Amortization Associated with Capital Investment

1. **Furniture & Fixtures:** Depreciation expense on furniture and/or fixtures.
2. **Telecommunications Equipment:** Depreciation expense associated with capitalized costs of telecommunications equipment including switching equipment, operator services equipment, cable and wire facilities, transmission equipment, and power equipment.
3. **Leasehold:** Amortization of leasehold improvements – improvements which become a permanent part of a building, like walls or carpeting.
4. **Other Capitalized:** TRS depreciation expense not accounted for in other categories.

Subtotal Section D expenses.

E. Other TRS Expenses

1. **Taxes:** Include federal, state, local, gross receipts or other tax expenses. **Note: do not include property taxes previously reported in Section II, A, 4.**
2. **Other:** TRS costs not yet accounted for in the data provided, for example, profits or margins; attach an explanation of any expenses included in this category.
3. **Coin Sent Paid:** Costs incurred for coin sent paid TRS service, including technological and/or marketing expenses associated with industry solution.
4. **Outreach:** Costs of outreach programs to educate the public on TRS. **Note: marketing and advertising expenses should be included in Section II, C, 9.**

Subtotal Section E expenses.

Total all expenses.

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F. Interstate Only TRS Expenses

Note: expenses reported here should be unique interstate expenses, significantly different from those reported elsewhere on the data request. They should not be included in any other category or reimbursed by any other entity; these costs will be included in the 2000 rate development. Space is provided to list "Other" interstate only expenses.

1. **Administrative:** Costs of performing administrative activities related only to interstate TRS, such as completing the Center Data Request and reporting interstate minutes monthly.
2. **Outreach/Advertising:** Costs of educational activities or advertising related only to interstate TRS.
- 3.-5. **Other:** List the expense in the space next to **Other** and provide the requested data. If additional space is required, add another page.

Total Section F expenses.

G. Speech to Speech Expenses

Note: this data is being collected for information purposes only; these expenses will not be used in the 2000 rate development. The categories listed are the broad categories of Section II, A – E.

1. **Annual Recurring Fixed/Semi-Variable Expenses:** Rent, utilities, building maintenance, property tax, leased furniture and office equipment, etc.
2. **Annual Recurring Variable Expenses:** Salaries and benefits, telecommunications expenses, office expenses, staff management expenses, billing expenses and relay center management.
3. **Annual Administrative Expenses:** Finance/accounting, legal/regulatory, engineering, operations support, human resources, billing, contract management, risk management and other corporate overhead.
4. **Annual Depreciation Associated with Capital Investment:** Furniture & fixtures, telecommunications expenses, leasehold and other capitalized investment.
5. **Other TRS Expenses:** Taxes, coin sent paid, outreach and other expenses.

Total Section G expenses.

H. Video Relay Interpreting Expenses

Note: this data is being collected for information purposes only; these expenses will not be used in the 2000 rate development. The categories listed are the broad categories of Section II, A – E.

1. **Annual Recurring Fixed/Semi-Variable Expenses:** Rent, utilities, building maintenance, property tax, leased furniture and office equipment, etc.
2. **Annual Recurring Variable Expenses:** Salaries and benefits, telecommunications expenses, office expenses, staff management expenses, billing expenses and relay center management.
3. **Annual Administrative Expenses:** Finance/accounting, legal/regulatory, engineering, operations support, human resources, billing, contract management, risk management and other corporate overhead.
4. **Annual Depreciation Associated with Capital Investment:** Furniture & fixtures, telecommunications expenses, leasehold and other capitalized investment.

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5. **Other TRS Expenses:** Taxes, coin sent paid, outreach and other expenses.

Total Section H expenses.

III. Annual TRS Demand Data

All minute data should be reported in **conversation minutes**. Conversation minutes are measured in terms of conversation time, i.e., from point of call completion to disconnect. **Do not include** time for call set-up, call ringing, waiting for an answer, calls that reach busy numbers or receive no answers, and call wrap-up. **1998 minutes** should be **actual** TRS conversation minutes. **1999 minutes** should be **annualized actuals**, e.g., total the actual minutes for the number of months with actual minutes, divide the total by that number of months and then multiply by 12 to get the annual figure. Minutes for **2000 and 2001** should be **projected** conversation minutes for the years. The projected minutes should reflect reasonable growth rates and include other considerations that might increase or decrease the minutes handled by a center, such as adding a new state to a center.

Provide annual, annualized and projected minutes as follows:

A. Total of Conversation Minutes – For 2000 reimbursement rate development

1. **Local:** TRS non-toll conversation minutes for completed calls that are included in local service billing.
2. **Intrastate Message Telephone Service (MTS):** TRS toll conversation minutes billed for completed calls within the state. Does not include toll free or 900 service minutes.
3. **Interstate MTS:** TRS toll conversation minutes billed for completed calls across state boundaries. Does not include toll free or 900 service minutes.
4. **International MTS:** TRS conversation minutes billed for completed international calls. Does not include toll free or 900 service minutes.
5. **Toll Free:** TRS conversation minutes for completed toll free calls (800/888/877, etc.). Do not include any toll free minutes in any of the other categories.
6. **900 Service:** TRS conversation minutes for completed 900 calls. Do not include any 900 service minutes in any of the other categories. Calls to 900 numbers are not reimbursable through the TRS Fund.
7. **General Assistance:** TRS minutes required to provide miscellaneous assistance or services such as time, temperature, service explanations, etc.

Total the minutes

B. Speech To Speech (STS) Minutes – For information purposes only

1. **Local:** STS non-toll conversation minutes for completed calls that are included in local service billing.
2. **Intrastate Message Telephone Service (MTS):** STS toll conversation minutes billed for completed calls within the state. Do not include toll free or 900 service minutes.

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3. **Interstate MTS:** STS toll conversation minutes billed for completed calls across state boundaries. Do not include toll free or 900 service minutes.
4. **International MTS:** STS conversation minutes billed for completed international calls. Do not include toll free or 900 service minutes.
5. **Toll Free:** STS conversation minutes for completed toll free calls (800/888/877, etc.). Do not include toll free minutes in any of the other categories.
6. **900 Service:** STS conversation minutes for completed 900 calls. Do not include 900 service minutes in any of the other categories.
7. **General Assistance:** STS minutes required to provide miscellaneous assistance or services such as time, temperature, service explanations, etc.

Total the minutes

C. Video Relay Interpreting (VRI) Minutes – For information purposes only

1. **Local:** VRI non-toll conversation minutes for completed calls that are included in local service billing.
2. **Intrastate Message Telephone Service (MTS):** VRI toll conversation minutes billed for completed calls within the state. Do not include toll free or 900 service minutes.
3. **Interstate MTS:** VRI toll conversation minutes billed for completed calls across state boundaries. Do not include toll free or 900 service minutes.
4. **International MTS:** VRI conversation minutes billed for completed international calls. Do not include toll free or 900 service minutes.
5. **Toll Free:** VRI conversation minutes for completed toll free calls (800/888/877, etc.). Do not include toll free minutes in any of the other categories.
6. **900 Service:** VRI conversation minutes for completed 900 calls. Do not include 900 service minutes in any of the other categories.
7. **General Assistance:** VRI minutes required to provide miscellaneous assistance or services such as time, temperature, service explanations, etc.

Total the minutes

IV. Certification

A responsible accounting officer must certify the Center Data Request response. Please read the certification and sign accordingly.

A provider with more than one center should sign the CONSOLIDATED REQUEST response only and list the centers covered on the CONSOLIDATED REQUEST in the space indicated.

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INTERSTATE TRS ADVISORY COUNCIL MEMBERSHIP LIST

NAME	REPRESENTING/TERM	ADDRESS	TEL. & FAX N0s.	EMAIL ID
Stepnen Bartlett General Manager Wabash Telephone	Interstate service providers 1998-2002	210 Church Street P.O. Box 299 Louisville, IL 62858	618-665-3311 618-665-4188 fax	bart@wabash.net
Ed Bosson Relay Texas Administrator Public Utility Commission	State regulatory – relay administration 1999-2003	1701 N. Congress Avenue P.O. Box 13326 Austin, TX 78711-3326	512-936-7000 512-936-7147 tty 512-936-7003 fax	ed.bosson@puc.state.tx.us
Merilyn Crain, Secretary Executive Director Louisiana Relay Admin. Board	State regulatory – relay administration 1998-2002	315 S. College Road, Ste. 208 Lafayette, LA 70503	318-266-9620 v&tty 318-266-9618 fax	mistre@email.msn.com
Luis G. Estrella Policy Fellow United Cerebral Palsy Association	Hearing/speech disability community 1999-2003	8502 16 th Street, G19 Silver Spring, MD 20910	301-589-0789 (H) 202-973-7122 (O)	funspastic@ucpa.org
Sara Kyle Commissioner Tennessee Regulatory Authority	State regulatory 1998-2002	460 James Robertson Parkway Nashville, TN 37243-0505	615-741-3125 615-741-2336 fax	skyle@mail.state.tn.us
Anne LaLena Policy Advisor – Federal Law & Public Policy, MCI Worldcom	Interstate service providers 1999-2003	1801 Pennsylvania Ave., NW Washington, DC 20006	202-887-3847 202-887-3866 fax	anne.lalena@wcom.com
Paul Ludwick TRS Product Manager Sprint	TRS providers 1999-2003	6666 West 110 th Street Mail Stop: KSOPKG0111 Overland Park, KS 66211	913-661-8927 913-661-8950 fax	paul.ludwick@mail.sprint.com
Stephen Mecham Commissioner Utah Public Service Commission	State regulatory 1999-2003	160 East 300 South P.O. Box 45585 Salt Lake City, UT 84145	801-530-6492 801-530-6796 fax	sfmecham@state.ut.us
Jack O'Keeffe Consultant Self Help for Hard of Hearing People Inc. (SHHH)	Hearing/speech disability community 1999-2003	3306 Cleveland Ave. Aliquippa, PA 15001	724-378-2309 v&fax	okeeffej@acm.org
Pamela Ransom President Common Ground Solutions, Inc.	TRS users 1998-2002	711 S. Boulevard, Ste. 5 Oak Park, IL 60302	708-660-9417 708-660-9418 fax	ransom@cgsolutions.com
Alfred Sonnenstrahl, Vice-Chair Sonny Access Consulting	TRS users 1999-2003	10910 Brewer House Road Rockville, MD 20852-3463	800-735-2258 301-770-7555 tty&fax	sonny@clark.net
Judith Viera Vice-President Wynd Communications Corp.	Hearing/speech disability community 1998-2002	75 Higuera Street, Ste. 240 San Luis Obispo, CA 93401	805-781-6000 805-781-3433 tty 805-781-6001 fax	jviera@wynd.com
Gary Warren, Chair Executive Vice-President Hamilton Telephone Company	TRS providers 1998-2002	1001 Twelfth Street Aurora, NE 68818	402-694-5101 402-694-2848 fax	gwarren@hamilton.net
NECA STAFF John Ricker Executive Director Universal Svc. Support Programs Maripat Brennan Manager -Fund Administration	TRS Fund Administrator July 26, 1999 – July 25, 2003	80 S. Jefferson Road Whippany, NJ 07981 Room S 2063 Room S 2082	973-884-8469 fax 973-884-8085 973-884-8063	 jricker@neca.org mbrenna@neca.org

Interstate TRS Advisory Council



Meeting Minutes August 24, 1998

ATTENDANCE

The meeting of the Interstate Telecommunications Relay Service Advisory Council was convened by the chairman, Tom Sanew, at approximately 10:00 a.m. on August 24, 1998, at the O'Hare Marriott Hotel, Chicago, Illinois. Council members attending were: Stephen Bartlett, Marilyn Crain, Stephen Gregory, Robert Hodges, Pam Ransom, Judith Viera, and Gary Warren. Two members could not attend and two Council seats are vacant. Providing NECA staff support for the Council was Maripat Brennan, Manager, TRS Administration. Other NECA representatives attending were Bob Anderson, President; Ken Levy, Vice-President and General Counsel; and John Ricker, Director, TRS Administration. There was no public representation at this meeting.

MINUTES

Tom Sanew opened the meeting and requested attendees introduce themselves. After the introductions, he set the ground rules to assure ease of communication at the meeting. At the request of one of the Council members, Tom directed that the group the member represents be listed on the member name and address list for the next meeting. The next item on the agenda was review and approval of the March 4, 1998 meeting minutes. Marilyn Crain moved to approve the minutes. Pam Ransom made a correction concerning the spelling of her last name and then seconded the motion. The March 4, 1998 meeting minutes were then approved.

COUNCIL'S CHARGE

Tom introduced the next agenda item - looking for guidance on just what the Council's role is in the NPRM process. Rob Hodges suggested Ken Levy review points that were brought up that either demand or strongly encourage a response from the Council.

Ken commented that the FCC did not seem favorably disposed to expanding the role of the Council. There have been exchanges with the Commission over the years to further define the Council's role but, without a groundswell of community support, it is unlikely that the FCC would expand the role beyond matters of interstate cost recovery. If the Council files to take a broader role, it appears self-serving. However, when new issues arise, like multivendoring, for example, where there are cost implications, the Council could take the opportunity to provide input on

Tom Sanew, *Chair*
Stephen Bartlett
Stephen Gregory

Gary Warren, *Vice-Chair*
Sara Kyle
Marilyn Crain

Robert Hodges, *Secretary*
Pamela J. Ransom
Judith Viera

sound cost recovery methods.

Steve Gregory had a different view of the Council's role. He agreed that the NPRM did not expand the role of the Council but he believes that the Council's current role requires it to focus on quality because quality is intrinsically tied to the recovery of reasonable costs.

Merilyn thought that an appropriate issue to **include in the reply comments** was the need for standards to be set for new features, such as speech to speech (STS) before a reimbursement policy could be put into place.

Judy Viera felt that those Council members who relied on the NECA summary of the NPRM comments were missing some very important comments. The Consumer Action Network (CAN), which Judith represents, was very disappointed with the NPRM. It fell very short of what consumer organizations had been asking for. In their comments, CAN supported investing the Council with authority to develop guidelines for interstate cost recovery of improved TRS. Speaking for consumers, Judy felt the Council needed to be looking at all the rules to see if they needed to be changed so that the Council could be informed and act responsibly.

Gary Warren suggested that TRS is a hybrid of a competitive environment, which the FCC tends to favor, and a regulated, mandated environment. Frustration occurs because of the conflict between those two philosophies.

Steve Gregory then made a motion that the Council comment to the FCC that we perceive our role already to encompass issues that relate to the quality of relay service because the Council's role is designing a reimbursement formula which compensates for the reasonable costs of providing interstate relay.

Merilyn seconded for discussion purposes. She then commented that she felt Steve's approach could be subjective as to what is and what isn't appropriate for reimbursement. She believes that measurement standards are necessary before making any subjective analysis. Merilyn believes we should be looking at very high cost areas like speech to speech and looking at the best way to reimburse these services, like "real time" vs rounding minutes.

A lengthy discussion ensued on defining "reasonableness" of providers' costs, what the FCC rules allow concerning costs and reimbursement, and NECA's role in the process - reimbursement vs enforcement. Tom then requested a clarification of the motion on the floor.

Steve Gregory repeated that the motion was to write a comment which asserts a position that we see ourselves as having a role on quality issues because we are charged with developing a formula to be sure that NECA reimburses reasonable costs on these line items. Pam did not see the immediate connection between the development of the reimbursement formula and the quality piece. Gary believes it's up to other groups, not the Council or NECA, to advocate for FCC rule changes, and his main interest is getting the FCC to set specific standards related to the new "improved" services so that there are ground rules on which to review the formulas NECA develops for these services.

Merilyn commented that she suddenly realized that interstate minutes were not the driver in quality issues but rather the states because local minutes are the bulk of minutes billed. If the benchmark is to be raised, the states need to drive it. However, most states want to get by with just paying the minimum amount of money they can and only want a very low bar. The Council does need to look at whether or not interstate minutes reach the minimum FCC threshold. Merilyn then made a substitute motion that the Council ask NECA to require a form upon submission of the minutes just for us to look at and see if there is a problem saying that the carrier certifies that their minutes are in compliance with FCC standards. Rob seconded the motion. After additional discussion, the motion passed by a vote of four to two with one abstention.

Steve Gregory then restated his motion to write a comment to the FCC stating that we see our obligation as developing and implementing a formula that reimburses reasonable costs of interstate relay. In devising such a formula, it is critical that we be assured that providers' costs are reasonable. While many focus on unreasonably high costs, our role is to focus on reasonable costs, even to the extent they may be excluded or understated. By taking a focus on understated costs which may be unreasonably understated, this Council has a role which focuses on the service which providers offer interstate.

After further discussion during which John Ricker reiterated what can and cannot be done within the current FCC rules, Merilyn gave a breakdown of what minutes the states pay for vs what minutes NECA reimburses: the states pay for 100% of local calls and 100% of intrastate calls; 100% of interstate minutes are billed to the interstate Fund. For toll free calls, 64% of a state's toll free minutes are allocated to interstate and 36% to intrastate. (Intrastate traffic is usually about 85% to 95% of a state's call volumes.)

Merilyn called the question and the motion was voted on; it was defeated six to one. The Council then broke for lunch.

Tom reconvened the meeting at 12:52 p.m.

Judy made a motion that the Council's comments acknowledge comments made primarily by consumer organizations in the first round seeking to invest greater authority and responsibility in this committee, or a new one, with particular attention to quality of service issues for both intra and interstate TRS. However, we point out that current rules appear not to allow such a role. These rules include paragraph 64.604.C.3.F. We do not take a position on expanding the role of this committee but point out that if this is sought, some changes in rules will be needed. Merilyn seconded the motion.

Steve Gregory offered an amendment to the motion - that we do not take a position on expanding the role of the Council beyond the expression of our letter of March 16. Judy did not accept the amendment.

Pam asked for a legal opinion concerning the need for a rules change. Ken agreed that was true. The motion was approved by a vote of seven to zero.

Merilyn requested that the earlier motion concerning provider self-certification be included as a comment in the NPRM filing. It was decided that a motion was needed to accomplish this. Merilyn moved the motion. In response to a question from Ken concerning whether it should be handled in these same comments or separately, Merilyn responded that she didn't care if it was the same or not, but eventually came to the conclusion it should be handled outside of the NPRM. Rob seconded. The motion was passed by a vote of six to one.

Tom then suggested, that in light of the time constraints, the Council should list all possible topics, decide what it wanted to file on, and then add substance to the chosen topics. To start with, Tom mentioned Merilyn's earlier comment about setting standards for Video Relay (VRI), Speech-to-Speech (STS), and Multilingual Relay (MRS).

Merilyn suggested that the Council ask the FCC to mandate specific standards for services subject to reimbursement and to address the appropriateness of billing on a real time basis or as close as possible to real time for reimbursement.

Steve Gregory thought we should acknowledge acceptance of our responsibility for revising the formula if the FCC adopts the proposal for VRI, STS and MRS for interstate service. Steve asked for clarification on the meaning of real time. Tom explained that it was billing for real time of the conversation.

Pam wanted to make sure that Merilyn's suggestion was actually two points - standards and time. Merilyn added another point - vendors who submit requests for payment should certify that they are in compliance with FCC standards.

Merilyn then raised another issue that she was not sure was in the purview of the Council but which needs to be addressed - what is the most effective provisioning of new services; how should they be implemented? Cost is not the only issue; personnel, training, etc., all need to be addressed. What will the FCC do about this?

Tom raised the issue of national TRS advertising which was mentioned in the State of Maryland's comments. Judy did not think the rules allowed the Council to do such a thing.

Pam brought up the question of whether we would support the FCC's suggestion that providers advise the FCC within 60 days of substantive changes in the program because this could have an impact on the funding.

Gary suggested linking certification that standards are being met with support of the FCC 60 day notification.

Steve Gregory proposed that the FCC needs to clarify the difference between improved and enhanced TRS service since there doesn't seem to be any criteria for either.

Merilyn thought it was important to differentiate between video relay interpreting and video relay telecommunications for billing purposes.

Pam suggested that the comments focus on requesting the FCC to issue a further notice of proposed rulemaking which would investigate and determine standards for VRI, STS and MRS. This is necessary for the Council to carry out the responsibility of developing a reimbursement formula.

Judy added a request that as part of an FNPRM, the FCC define functional equivalency. It has never really been defined and there's disagreement between providers, regulators and consumers over what it means.

Related to real time reimbursement, Gary suggested that what's really being discussed is actual time vs. rounded minutes of use. Merilyn added that the period should be uniform across the industry, to a second or a tenth of a minute. Gary mentioned that technical feasibility was certainly a part of this, but the difference between one second timing and rounding was a big dollar issue and does affect interstate cost recovery.

Concerning accepting responsibility for development of reimbursement formulas, it was agreed that topic would stand on its own.

On the topic of certification that standards of new services are being met, John Ricker proposed that be done separately from the NPRM, with the letter to the FCC on certification requirements of traditional relay service.

Rob asked if a provider who did not certify would be paid for the month. Merilyn clarified that the intent was not to deny payment but rather if providers did not certify, that would be a reason to do more investigation into whether or not they should be reimbursed. Merilyn then suggested the use of the word reporting rather than certification. Tom confirmed that the focus was still on new services like VRI, STS and MRS.

Some further discussion occurred about how to divide the topics within the reply comments. In preparation for adjournment, Merilyn moved that the NECA staff develop reply comments based on the comments and input received at the meeting and get the document out to Council members as soon as possible. Judy seconded the motion which was passed.

Rob made a motion to adjourn. Pam mentioned the agenda for the next meeting. Tom requested Maripat send out a request for agenda items with a deadline for response and coordinate dinners and travel plans. Judy seconded the motion to adjourn.

Steve Gregory requested more information on the overall process and John agreed to pull together information for presentation during the first hour of the New Orleans meeting so that everyone will have a common understanding.

The motion to adjourn was passed; the meeting adjourned at 2:05 p.m. Gary Warren then extended an invitation to the Council members to visit the Louisiana Relay Center when in Louisiana for the meeting; contact Gary if you are interested.

Respectfully submitted,

Robert Hodges, Secretary

By Maripat Brennan, National Exchange Carrier Ass'n, Inc.

Minutes approved by Interstate TRS Advisory Council on September 24, 1998.

Easel Pages From The Meeting

1. COMMENTS

- * Standards for STS, VRI, MRS
- * Address "Real Time" Reimbursement of Providers' TRS (e.g. 1/10 minute)
- * Accept Responsibility for Development of Reimbursement Formula(s) for New Services
- * Certification That Standards of New Services Are Being Met
- * Effective Provision of New Services - How to Implement?
- * National Advertising for TRS
- * Support for FCC Proposal to Notify if Significant Change to Service Within 60 Days
- * Clarify Improved vs. Enhanced
- * Define Functional Equivalency

2. STANDARDS FOR STS, VRI, MRS

- * Video for Telecommunications vs. Interpreting
- * FNPRM to Investigate & Determine Standards (e.g., 7/24, answer speed, etc., costs)

SPECIFIC

- * How to Certify/Verify New Service Standards Are Being Met

3. REAL TIME REIMBURSEMENT

- * Reimbursement for Actual vs. Rounded Minutes of Use
- * Uniformity to Seconds or 1/10 Minutes
- * Cost Would More Closely Approx. Cost of Providing Service
- * Technical Feasibility

4. ACCEPT RESPONSIBILITY

5. REPLY COMMENTS

- * Judy's Resolution
- * Support FCC Notification Proposal
- * National Advertising

Interstate TRS Advisory Council

Meeting Minutes
September 24, 1998

ATTENDANCE

The meeting of the Interstate Telecommunications Relay Service Advisory Council was convened by the chairman, Tom Sanew, at approximately 8:45 a.m. on September 24, 1998 at the New Orleans Marriott, New Orleans, Louisiana. Council members attending were: Stephen Bartlett, **representing interstate telecommunications service providers**; Marilyn Crain, **representing state relay administrators with Tom Sanew**; Stephen Gregory and Judith Viera, **representing persons with hearing and/or speech disabilities**; Rob Hodges and Gary Warren, **representing TRS providers**; Pam Ransom, **representing TRS users**. Sara Kyle, a **state regulatory representative**, could not attend. Three Council seats were vacant. Providing NECA staff support for the Council was Maripat Brennan, Manager, TRS Administration. Other NECA representatives attending were Ken Levy, Vice President and General Counsel, and John Ricker, Executive Director, Universal Service Support Programs.

Public representation at the meeting included Debra Sabourin, Senior FCC Attorney; Sue Decker, AT&T TRS **General Manager**; and Mike Baer, Sprint **Program Manager**.

AGENDA

Merilyn Crain moved to accept the agenda as presented; Judy Viera seconded. Tom then explained the ground rules for ease of communications during the meeting.

MINUTES

Merilyn moved to accept the minutes; Steve Bartlett seconded. There was no discussion and the minutes were approved unanimously.

PRESENTATION ON ROLE OF INTERSTATE TRS FUND ADMINISTRATOR

John Ricker made a presentation on the responsibilities of the Fund Administrator in response to a request by Council members at an earlier meeting. The slides for the presentation were included in Tab 5 of the meeting material.

The Fund was established in 1993 when the FCC ordered the use of a shared funding mechanism to reimburse TRS providers for interstate calls. In response to a question from Steve Bartlett, John defined shared funding. Basically, all carriers with interstate revenues pay into the fund to provide the service; interstate TRS providers are paid from the fund. The FCC appointed NECA as the interim administrator for the first two years of the program, 1993 - 1995; NECA was reappointed for a four year term, 1995 - 1999. As part of the FCC order, NECA was directed to establish an advisory council to monitor cost recovery matters.

NECA's role is to collect contributions from all telecommunications service providers with interstate revenues and pay TRS providers who comply with FCC TRS standards for completed interstate minutes. A nationwide average reimbursement rate is developed based on cost information collected from TRS providers. This rate is required to be filed with the FCC for approval with the annual report on fund operations on October 1. A financial report on the fund is also filed annually with the FCC at the beginning of December after the fund is audited by an outside auditor.

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FCC Form 431 is used to collect revenue data for TRS. The FCC establishes a contribution factor based on the October 1 filing information. The factor is included on the 431 for the companies to use to compute their contribution. If a company owes less than \$1,200, the company must pay in one lump sum; if more than \$1,200, the company has the option to pay on a monthly basis. The minimum contribution is \$100.

Monies are distributed to those TRS providers who meet the FCC TRS standards. It's the Commission's job, not NECA's, to resolve complaints alleging violations of those standards. The Commission would have to advise NECA not to pay a provider; NECA does not make that determination.

The rules require reimbursement based on minutes of use for completed interstate TRS calls, beginning after call set-up and concluding after the last message call unit.

Steve Gregory asked what a message unit was. John responded that for interstate TRS purposes, we are dealing with whole minute units. Pam Ransom asked if the time was rounded up to the next minute. John believes so. Marilyn asked if the providers rounded each call to the nearest minute or do they round the total time to the nearest minute, or do we know what they do?

Steve Gregory then asked for confirmation that, regardless of what method the company follows, the Fund pays. John confirmed that.

Rob Hodges said this has been discussed extensively at the National Association of State Relay Administration (NASRA) and it was found that state requirements vary. Providers will bill the Fund however you want them to. The differences in minutes are not significant.

Merilyn disagreed. States have individual agreements. The interstate reimbursement is nationwide. Companies should be billing on the same basis in order to be appropriately compensated. After more discussion, Steve Bartlett asked if either the Council or the Administrator had the authority to tell the TRS providers how to report their minutes. John confirmed that we did have that right. Steve believes it would be an advantage to give the providers a definition so everyone is on equal footing.

John stated that reporting must be consistent in the data collection that sets the reimbursement rate and in the monthly reports that bill the Fund. Steve Gregory agreed with the idea of a standard definition.

Gary Warren, on behalf of providers, reminded the Council that there is a cost/benefit issue here. If there is a standard definition, somebody may have to make a significant change to their billing or reporting system and that cost will fall to TRS as well. Gary suggested getting more information from the providers. John thought that, so as not to disadvantage any provider, we should go with the lowest common denominator. Marilyn suggested a survey to find out what providers are actually doing. She then decided to make that into a motion. Judith seconded. Pam requested that, at the next meeting, the survey be a key agenda item and that NECA staff provide background information prior to the meeting. Marilyn accepted this as a friendly amendment. Discussion on how the information would be collected followed. Marilyn then called the question. The motion passed with one opposed and one abstention.

John then continued his presentation, explaining how information is collected from the TRS providers to develop the compensation rate. A form was developed based on Parts 32 and 36 of the FCC rules but that doesn't burden any provider who doesn't have to adhere to those rules. Actual costs and projected data is collected, and from that a nationwide average compensation rate is developed. NECA is required to file an annual report on October 1st on Fund performance, the proposed compensation rate, a projection of the Fund for the following years, and the activities of the Council.

NECA was also charged with establishing a voluntary advisory committee which would meet semiannually to monitor cost recovery matters. The committee would be made up of representatives of the hearing and speech

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disability community, TRS users (voice and text telephone), interstate service providers, state **regulatory** representatives and TRS providers. After a Council recommendation, the FCC added state TRS administrators to the group. An example of the Council's activities would be the approval of the toll free minute allocation factor - a standardization of how providers would bill the Fund for toll free minutes.

Judy asked how often TRS providers are audited. John responded that at least one of the three major providers is audited each year as well as one or two of the smaller providers. At least once every three years, each provider is audited.

Judy then asked if we had a record of complaints received. John explained that the only way we get involved in the complaint process is if the FCC determines the complaint is valid and payment is to be suspended. The FCC has received complaints but NECA has never been notified to suspend payments. In response to a follow-up question from Judy on the steps involved in revoking a provider's certification, Debra Sabourin responded that all but one complaint has involved particular states and the FCC sends the complaints to the states to resolve. The states have 180 days to resolve and only if not resolved will the FCC step in. Tom commented that, as a state administrator, he doesn't care if the complaint is intrastate or interstate. A complaint is a complaint and gets dealt with.

A fifteen minute break followed.

NECA STAFF REPORTS: PRESENTATION ON PRELIMINARY 1999 TRS PROVIDER RATE

Copies of the almost final version of the NECA TRS filing were distributed to all Council members for review before the presentation.

Maripat Brennan explained the 1998 TRS provider data collection process that led to the proposed 1999 reimbursement rate. The data collection forms were distributed in May and responses were due July 15th. The FCC filing will be made October 1 and the FCC order is expected to be issued in December, setting the reimbursement rate for the providers and the contribution rate that carriers will have to pay into the fund.

Responses were received from all ten certified providers. NECA collected 1997 annuals, 1998 annualized actuals and 1999 projections - by center by provider, not by state. Data is reviewed, analyzed, questioned, confirmed and then entered onto a spreadsheet which performs the calculations. Centers are identified by an ID number since all information is kept confidential. Over time, high cost centers have reduced their costs and low cost centers have increased their costs. The initial reimbursement rate in 1993 and 1994 was \$1.705 because only two major providers had submitted data at that time. The rate has dropped since then - \$1.168 for 1998 and the new rate is \$1.179. Toll free minutes are included in the calculation; 64% of toll free minutes are considered interstate.

Exhibit 4 in the filing shows the fund requirements - \$44.5M total but after you add expenses and subtract the surplus and interest, the requirement is reduced to about \$34M.

Merilyn asked about the interest income and the types of investments that generate the amount of interest projected. John responded that the fund is invested in mutual funds - very high security with low risk. Ken Levy added that NECA's guidelines for investment are conservative and prudent for a business that has fiduciary responsibilities and, in the 15 years of investing much larger sums for the NECA pools, the investment policy has never created any problems and has always produced a reasonable return on investment.

Steve Gregory was curious as to why the surplus went up. John responded that the surplus stems from several sources. First, since we are working with projected payments and minutes, the calls may not actually take place. Second, the FCC adds a safety margin of 10% to our projection. Thirdly, the FCC estimates the revenues the factor will be billed against; if revenues are higher, the surplus will increase.

Interstate minute growth has leveled off for 1998 and 1999. A month over month growth rate of .011 is projected from August 1998 to March 2000. While we do collect providers' minutes, we use actual historical growth to

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Chair: Gary Warren*

determine the Fund requirement. For the first time, the providers' data is above our projection. The entrance of a new interstate only provider has significantly increased the provider projection. However, we do not believe the provider will add 8 million new minutes in his first year.

Rob Hodges asked if we had a duty to contact this provider and question the numbers he provided. Maripat answered that we do talk to the providers about these things but in the final analysis, we have to take what they give us because that's what their business plans are based on. Marilyn noted that the projected toll free and non toll free minutes are almost equal. Maripat confirmed that we are seeing that same thing in the monthly reports presented for reimbursement. Discussion followed on the growth of toll free numbers - business and personal. For the next year, the percent of interstate toll free calls will remain at 64%.

Maripat concluded with an explanation of the FCC effort to streamline telecommunications carriers' reporting process. Today different forms are required for various funds - TRS, North American Numbering Plan, Local Number Portability, and Universal Service. The FCC has issued a Notice of Proposed Rulemaking to consolidate these multiple forms into one. There should not be any impact on paying the TRS providers, only on the carriers who contribute to the fund.

The Council then broke for lunch.

FCC UPDATE

Tom reconvened the meeting and introduced the new FCC Senior Attorney on TRS issues, Debra Sabourin.

Debra distributed a list of names and numbers that she requested not be shared with people outside the meeting. She advised if people wanted to share service concerns, it was better to write or email so that there is a record of what is going on. Debra then reviewed several changes to the Network Services Division staff - Anna Gomez is the new chief; Kurt Schroeder, deputy chief in charge of disability issues. Debra mentioned that she understood there was some concern about the turnover in TRS staff in the division. However, this type of movement is normal in the agency. People move to different jobs to develop a broader background and increase their expertise.

Debra mentioned the state TRS program certification project that had recently been completed. This was a major effort that started in October 1997 and ended in July, two weeks before the deadline. Information from the project is expected to be put up on the FCC web site.

The FCC is still receiving comments on the TRS NPRM even though the due dates for comments and replies have passed. The Commission wants to include everybody's comments regardless of the date they come in. The TRS team is also providing input to the rulemaking on equipment accessibility even though they are not primarily responsible for it.

Debra explained the rulemaking process: attorneys at the staff level review the comments and reply comments, summarize them and make recommendations based on background information and the comments; the staff presents the recommendation to their managers who review and add their own expertise. A document is drafted for review by the commissioners' staffs. The final document reflects the views of the commissioners.

Concerning the effort to consolidate the multiple forms used for data collection, Debra explained that the FCC is also looking into the elimination of the \$100 minimum contribution to the TRS fund.

Debra also mentioned the closed caption rules and the second coin sent paid suspension order. The August 1997 order is still in effect and carriers are required to educate TRS users on how to make calls from payphones. She expects to refocus on 711 shortly and mentioned Bell Atlantic's work in this area. Steve Gregory asked Debra if the FCC will implement a rule on 711 that makes it accessible by hearing persons as well as those who don't hear. Pam said she thought Bell Atlantic's plan was to have it accessible by both but Steve Gregory answered that in Maryland, the test site, 711 would only be accessible to TTY users. Pam reminded Steve that the FCC has only reserved 711; it

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04/19/00

has not been ordered. Debra said she knows 711 is important to the user community because she's already received letters complaining about the number of digits users have to dial.

Judy commented that the issue of voice driven menu systems needs to be addressed by either the TRS group at the FCC or the group working on 255. Debra believes that both groups will be involved with this very complicated issue and, although the process may be a slow one, this issue is being actively worked on.

Steve Gregory then commented that there is a strong interest in the relay community to have the FCC establish some sort of procedure to receive public guidance on how relay can be improved. The relay user world has comments and advice for the FCC but no mechanism exists to receive it. A Council, like the Advisory Council, should be established to help the FCC understand relay needs from a quality perspective.

Debra agreed that it is hard to deal with a faceless bureaucracy but disability issues are a genuine priority of the Chairman. She requested letters and emails so that an issue can be documented; she wants to hear people's ideas.

OTHER BUSINESS

Judy asked if a comment on the quality concerns raised by the consumer representatives could be added to the October 1 filing package. John agreed to add the comment in the summary of the Council activities.

Tom recapped the members who recently resigned from the Council - Doug Kinkopf and Bruce Goldstein. He mentioned this will be Rob Hodges' last meeting and that he himself was also leaving the Council because of a new work assignment. Discussion followed on filling the chair vacancy. Marilyn moved that, because there is only one person with enough time to serve as an officer, the election should be put off until the spring meeting. Ken Levy asked if Gary Warren would be appointed acting chair if the need arises. Marilyn accepted the addition to her motion. Pam seconded the motion which was then approved. Gary's appointment will take effect upon Tom's resignation November 1. Maripat added that a new commission representative had been named but had not been able to attend the meeting - Steve Mecham of Utah. There is also a replacement for Doug Kinkopf but the name had not been provided by Comptel yet. Tom then told the members that being on the Council had been a very enjoyable experience and he had learned a lot. He complimented NECA on a wonderful job which he reflected in his resignation letter.

The next meeting was scheduled for February 24 or 25 in Washington, DC. Tom then asked if there was any other business.

Judy then made a motion that the bylaws be amended as follows:

the third paragraph: add the phrase "at the time of check in" at the end of the second sentence; add "by the start of the meeting" at the end of the third sentence; add at the end of the paragraph a new sentence "The Council will file a formal complaint with hotel management with a copy to its corporate headquarters in the event of noncompliance."

Rob seconded and then commented that in the future, the Council should consider repeating at the same hotel and not make NECA have to work with different hotels all the time. Steve Gregory and Judy then related their experiences with the New Orleans hotel and how, although they had specified their needs beforehand and been promised the equipment would be set up before their arrival, the hotel had not complied. Much time and effort then had to be exerted on their parts to get their requirements met. Steve suggested a notation in the hotel contract that, unless conditions are met, payment will be withheld.

Tom's only problem with the bylaws change had to do with the Council filing the complaint. He felt that since NECA makes the meeting arrangements and pays the bill, NECA should file the complaint. Tom also supported Rob's comments because of his own experience with NASRA and trying to accommodate various needs.

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Ken said it wasn't necessary to change the bylaws if the Council wanted NECA to file a complaint; NECA will file it at the request of the Council. Ken then asked if the Council wanted a complaint made about the New Orleans Marriott.

Merilyn then made a substitute motion that NECA file a complaint with the hotel, copy it to the Marriott chain customer service and to the Louisiana lieutenant governor's office since that office is in charge of tourism and the lieutenant governor is a former member of the Louisiana relay board and familiar with these types of problems. Judy said she would be happy to write the letter but she didn't think Merilyn changed the motion. Gary seconded Merilyn's substitute motion. Pam asked if the complaint letter would be copied to the DOJ. Merilyn responded that all appropriate parties should receive the letter.

Tom then attempted to clarify the situation. The Council would focus on Judy's motion and incorporate Merilyn's and Steve's comments into the complaint procedures. Tom then called the vote and the motion was approved.

Merilyn agreed that her motion did not have to be in the bylaws but that it would be appropriate for parties beyond the hotel be covered so that the hotel doesn't ignore the complaint. She suggested that in reserving hotels for meetings, using the same chain might give some leverage.

Tom concluded that the situation will vary according to the hotel and the severity of the problem and that NECA will know what to do if we have an experience at the next hotel.

Rob moved that the meeting be adjourned; Steve Bartlett seconded. The meeting ended at around 3:00 p.m.

Respectfully submitted,

Gary Warren, Acting Chairman

By Maripat Brennan, Nat'l Exchange Carrier Ass'n, Inc.

Minutes approved by Interstate TRS Advisory Council on February 25, 1999.

Stephen Bartlett
Ed Bosson
Merilyn Crain
Stephen Gregory

Sara Kyle
Anne LaLena
Paul Ludwick
Stephen Mecham

Pamela Ransom
Alfred Sonnenstrahl
Judith Viera
Chair: Gary Warren
04/19/00

Interstate TRS Advisory Council

Meeting Minutes

February 25, 1999

ATTENDANCE

The meeting of the Interstate Telecommunications Relay Service Advisory Council was convened by the vice-chair, Gary Warren, at approximately 8:45 a.m. on February 25, 1999 at the Washington Hilton & Towers, Washington, DC. Council members attending were: Stephen Bartlett and Anne LaLena, representing interstate telecommunications service providers; Ed Bosson and Marilyn Crain, representing state relay administrators; Stephen Gregory and Judy Viera, representing persons with hearing and/or speech disabilities; Paul Ludwick, representing TRS providers with Gary Warren; Pam Ransom and Al Sonnenstrahl, representing TRS users; and Sara Kyle and Steve Mecham, representing state regulatory representatives. Providing NECA staff support for the Council was Maripat Brennan, Manager, TRS Administration. Other NECA representatives attending were Ken Levy, Vice President and General Counsel, John Ricker, Executive Director, Universal Service Support Programs, and Gina Harrison, Senior Counsel.

Public representation at the meeting included Debra Sabourin, Marilyn Jones, Al McCloud, Kurt Schroeder, Deborah Harper and Pam Gregory of the FCC; Karen Peltz-Strauss, National Association of the Deaf; Mitch Travers, chair of the Maryland TRS Advisory Board; and Paula Holbrook, Sprint Maryland TRS.

AGENDA

Marilyn Crain moved to approve the agenda as presented; Sara Kyle seconded. Gary Warren then reviewed the ground rules for ease of communications at the meeting.

MINUTES

Steve Bartlett moved to approve the minutes, Sara seconded; and Judy Viera requested the discussion be closed. The minutes were approved with one abstention. Since Al Sonnenstrahl was not on the Council in February, 1999, he abstained from voting.

Although the minutes were approved for the correctness of what was said at the meeting, Paul Ludwick noted that a reference to 711 in Maryland was not correct. According to Paul, in Maryland, 711 was established primarily for voice users, not TTY users as noted in the minutes.

ELECTIONS

Gary opened the elections for Council Chair, Vice-Chair and Secretary.

Chair: Steve Gregory was nominated by Judy; Gary was nominated by Marilyn. Steve Bartlett moved to close the nominations; Judy seconded. Both nominees accepted the nominations. Ken Levy and Maripat Brennan collected the paper ballots and tallied the results. Ken announced that Gary Warren was elected Chair.

Vice-chair: Judy nominated Steve Gregory. Marilyn nominated Al. Al withdrew from the election and Sara moved to close the nominations and elect unanimously. Marilyn seconded. The motion was approved by all.

Stephen Bartlett

Ed Bosson

Merilyn Crain, Secretary

Sara Kyle

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Anne LaLena

Paul Ludwick

Stephen Mecham

Stephen Gregory

Pamela Ransom

Alfred Sonnenstrahl

Judith Viera

Gary Warren, Chair

04/27/00

Secretary: Marilyn was nominated by Steve Bartlett. Al moved to elect by acclamation. Sara seconded and the motion was carried.

BYLAWS

Judy moved that the bylaws be amended to state that the meetings of the Council be conducted according to Robert's Rules of Order. Pam Ransom seconded. Anne LaLena asked if there was a particular edition of the book that should be specified. It was agreed that "the current edition" be included in the motion. It was also agreed that NECA would furnish a copy of the version used so that the members could become familiar with it. The motion was approved unanimously.

Ken then presented a bylaws change relative to the length of the Council members' terms. Because of the natural turnover on the Council, it may no longer be necessary to have staggered terms of office. Also, a replacement member of the Council only fills out the unexpired portion of the original member's term so the suggestion was made that the replacement member would begin a new four-year term.

After discussion of this item, there was no action taken on this suggestion at this time.

Steve Gregory then requested that the name of the Council be changed to be more in line with the Council's role. Since the Council oversees cost recovery issues, Steve moved to amend the name to the Interstate Relay Cost Recovery Advisory Council. Steve Bartlett seconded. Al opposed the motion because of the current FCC activity; he proposed that the Council wait until the FCC issues their new TRS order. After further discussion, Al moved to table the motion and Marilyn seconded. Steve Gregory agreed to table the motion if it would be placed on the September meeting agenda. The motion was approved; Steve Bartlett opposed.

Marilyn returned to the previous discussion on Ken's suggested bylaws change and moved to adopt the bylaws as revised. Sara seconded. Al moved to amend the motion to ensure that the terms of the representatives of the same group be staggered. Ed Bosson seconded. Pam suggested more specificity was needed as to how the staggering would be achieved. Staff was requested to massage the language and present at a subsequent meeting. Ken agreed but mentioned that if the proposed modification was not adopted at the meeting, two member terms would expire before September. If the current language was accepted, the members would continue and the staggering language could be considered in September. Al removed his amendment with the understanding that it would be discussed at the next meeting. Ed agreed. The motion was approved unanimously.

Al then made a motion that the home office be instructed to write the language to add to the bylaws about the staggering terms. Judy seconded. The motion was carried.

FCC TRS STAFF UPDATE

Debra Sabourin, Senior FCC Attorney on TRS issues, provided the Council with an update on FCC TRS activities. Debra cited the work and experience of Marilyn Jones, Al McCloud, Les Seltzer and others in support of TRS. Dr. Bob Segalman is consulting with the staff on speech to speech issues. Andy Firth is also still supportive of TRS even though he's moved on to a different job.

Debra then mentioned that the TRS funding order was issued on December 2 and that the comments of Judy and Steve Gregory on the NECA filing would be addressed in the major rulemaking proceeding that the FCC is working on rather than the December order. Another item the FCC was working on was the appointment of a TRS Fund Administrator. NECA was appointed in 1995 for four years so it was time to seek an administrator for the next period. In addition, in the public notice requesting proposals for a fund administrator, comments concerning the addition of a seat to the hearing and speech disability community

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category were requested. The FCC looked forward to hearing from Council members as well as the public on this proposal. Debra predicted that an order on these items would be released by the end of June.

The issue of carrier of choice has been brought to the FCC staff's attention. According to Debra, it's complicated legally and technically, and while there is no proceeding on this issue, there is now awareness, often the first step in solving the problem. Carrier of choice means that the relay user should be able to select the carrier to handle his/her call through the TRS center.

Debra noted that Marilyn Jones is the primary author of the improved services' notice of proposed rulemaking. More than 50 comments and 50 replies have been received and Debra welcomed additional comments or discussions in this proceeding so that the best possible document could be produced.

Concerning the implementation of 711, the FCC staff recently attended a joint Maryland Relay and Bell Atlantic press conference concerning the availability of 711 in Maryland. The FCC has an open proceeding on 711 implementation and welcomed input on this issue from users as well. Steve Gregory commented that 711 access would open up TRS to the hearing public; Al agreed. Debra said the staff would be able to concentrate on 711 now that the state certifications are completed.

The staff is also writing recommendations on how to finally resolve the coin sent paid issue.

Judy asked Debra a question on state certification. "Once a state is certified, is that the end of your contact with them or is there any ongoing monitoring or involvement?" Judy asked because of the service quality issues in California and Massachusetts where legal action was involved. Debra commented that the first line of resource for anybody not happy with TRS is the state. But if there is a problem with a particular state and the FCC is notified, they can step in after a certain period of time.

Steve Mecham asked what impact the rulemaking could have on the Council. Debra explained that some comments suggested that the role of the Council be reviewed with respect to expanding the role to include service quality issues. Al commented that the Council should ensure that the contributions of the carriers to the fund should be well spent and asked for Debra's feeling on this. Debra responded that she couldn't comment since this was part of the current proceeding but that the current role of the Council is to make sure that the money is spent wisely and efficiently.

Steve Bartlett commented that the Council members have talked a lot about quality of service but the Council is not the vehicle to address those questions unless something comes out from the FCC expanding the role. Marilyn remarked that, as a state administrator, there is some leverage over the intrastate portion but none over the interstate, and that people were looking to the FCC to ensure that compensation follows performance.

Steve Gregory said that his big concern is not getting money in the hands of the providers and encouraged providers to bill more. Judy questioned the efficiency of continuing to pay the interstate bills in states where legal action was involved, like California and Massachusetts. Al asked Debra how many TRS complaints were filed with the FCC within the past year. Debra answered perhaps a page or a couple of pages, compared to than number in a day about regular telephone service, and that many had to do with the billing process and understanding the differences between kinds of phone calls, like person to person vs person to person collect.

Al questioned if it was possible to have every TRS provider or every state give their list of complaints to the FCC so that the Council could learn what was happening. He also asked if the interstate services were certified by the state or the FCC, and expressed frustration at the lack of functional equivalency he perceives. He cited the need for turbo code to make TRS calls faster and more equivalent to traditional telephone calls.

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After taking a break, Gary allowed Mitch Travers to address the Council since Mitch was not able to stay for the afternoon public comments session. Mitch was concerned that the NECA presentation on TRS costs and volumes at the NASRA meeting, which indicated that costs and volumes were flat or decreasing, meant that there was an effort by NECA to keep costs low. He felt the public perspective was that the driving force of the interstate fund is to maintain the cost and that we avoid consideration of whether or not the costs are correct and appropriate by saying we are not involved in quality.

Maripat responded that the presentation was merely factual, reflecting the information received from the providers each year. Numbers that seem out of the ordinary are questioned but there is no effort on NECA's part to keep costs low.

FCC DISABILITIES ISSUES TASK FORCE (DITF) UPDATE

Pam Gregory, the Deputy Director of the DITF, passed along the greetings of the Director, Meryl Icove, and FCC Chairman William Kennard. Pam began by sharing ways people could contact her and the DITF – through email and the DITF web page at the FCC web site – and offered to add people to an informal list serve that is used to share FCC items that affect the disability community. She also reminded people that the DITF was established as a way to address the disability issues that cross bureaus and offices. Pam noted that the DITF could reorganize to gain more resources because of the significant number of issues they are addressing.

Pam provided updates on several issues the DITF is addressing:

Section 255 – product and service accessibility when readily achievable; need to ensure that Section 255 does not become panacea for everything

Primary lines – order and FNPRM recently issued

TRS NPRM; coin sent paid calls; carrier of choice; 711; TRS fund order – all related to TRS

Hearing aid compatibility with wireless phones

Emergency captioning information; visual and audio access to emergency alert system

Amateur radio license testing

Video description for blind people

Spectrum for assistive listening devices

Enforcement of disability related complaints

Streamline intake of complaints; inquiries vs complaints

Considering a disability advisory council at the FCC

Section 508 of the Workforce Investment Act, requiring disability access to electronic and information technology

Pam also mentioned other groups that the DITF works with - the Presidential Task Force on the Employment of Adults with Disabilities, the Department of Education and the ADA Interagency Technical Assistance Coordinating Committee, to name a few. Pam said that the DITF believes the technical assistance on ADA Title 4 TRS has not been sufficient and more could be done. The DITF is also setting up training for FCC people who will be working on disability activities – rulemakings, complaint enforcement, etc.

Steve Gregory asked if Pam could provide a prioritized list of issues the DITF is working on at the September Council meeting. Pam responded that she was not sure if she could share the list but she did think an update could be provided.

On behalf of the Council, Gary expressed appreciation for the activities of the DITF and then invited the audience to join the Council for lunch.

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Judith Viera
Gary Warren, Chair

AFTERNOON SESSION

Gary reconvened the meeting. The next agenda item was NECA staff reports.

NECA STAFF REPORTS

Maripat Brennan began to present the NECA reports. She briefly reviewed Tab 6 in the meeting material, the October 1, 1998 NECA filing for the reimbursement rate, and Tab 7, the December 1998 financial statements filing. Steve Gregory then commented about a section in Tab 6 – the instructions for completing the TRS Providers Center Data Request. He specifically requested that a line be added to the request in Section 3-B-2 to separate expenses associated with determining the need for repairs, replacements, rearrangements and changes. He felt this area also covered research and development. The discussion on the data request that followed lasted almost one and one-half hours. Motions made and seconded and the disposition of each follows.

1) Judy made a motion to ask the FCC for an opinion on how research and development costs can be reimbursed to the relay providers under the present Part 32. Pam seconded. Marilyn asked if it might not be more appropriate to tell the FCC that we are interested in seeing that research and development for enhancements or improvements to the service be reimbursed. Judy agreed that was the intent of her motion. Steve Gregory repeated his original request – to add a separate line, which he felt, was already covered in the instructions to the form. Anne expressed her opinion that the area Steve was referring to was related to day to day activity – not research and development. Anne supported Marilyn and Judy's comments.

Paul Ludwick commented that, as a relay provider, he believed the product development costs were included in the data center request response but were probably in Section C under Engineering. Gary agreed that his R&D costs were included as well. Pam mentioned that breaking out the R&D line could have a negative effect on providers; if the providers are including the information today, why does it need to be a separate item.

Anne expressed her concern that the Council identified a problem but was not taking the most direct and appropriate action to resolve it. She felt it was appropriate and necessary to check with the FCC.

Sara Kyle asked for Ken Levy's perspective on the matter. Ken felt clarification on the subject of R&D should be sought from the FCC. Pam commented that, if the FCC refused to allow R&D, some providers would no longer be reimbursed for expenses they have been reimbursed for in the past. Steve Gregory again commented against having a line for R&D on the data request. Marilyn said that since none of the providers has complained about not being reimbursed, the Council might be making a mountain out of a molehill.

Seven Council members supported the motion.

2) Steve Gregory made a motion to accept NECA's proposal to include a line item supplementing Attachment A, Section 3, B2. Sara seconded for discussion purposes. John Ricker said his proposal was to separate R&D, not the line Steve mentioned in his motion. Steve Bartlett asked what would be done with the number once reported. Steve Gregory said it would be used to "send a check." Pam did not see the benefit of breaking the amount out without clarifying what it means. Steve Bartlett said it appeared to him that the carriers are already being reimbursed and it doesn't matter what line it's on – it's in there.

Gary relinquished the chair to make a comment. He felt providers would be burdened with an unnecessary cost separation issue. He saw things that could cause a restriction of R&D spending and was concerned that things were moving too rapidly without all the facts in place.

Stephen Bartlett
Ed Bosson
Marilyn Crain, Secretary
Sara Kyle

Anne LaLena
Paul Ludwick
Stephen Mecham
Stephen Gregory

Pamela Ransom
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Gary resumed the chair. Anne moved to close discussion and vote on the motion. Steve Bartlett seconded. The motion failed to pass.

Pam suggested that we need to find out more information about what the providers are doing. Ed mentioned that the state RFPs help to determine the nature of research and development. The providers start to do R&D and look at new features when they have to respond to RFPs. Marilyn mentioned that the drivers for development are the intrastate portion of the business. Perhaps providers should be invited to the meetings and provide input on their R&D. Ed said R&D is proprietary and highly confidential. Steve Gregory disagreed and felt there could be significant expenses that were interstate only – like marketing interstate service only.

3) Steve Gregory moved that, under the corporate overhead line on the data request, a separate line be included for marketing expense. Marilyn seconded for discussion purposes; she did not plan to support the motion. She suggested a better use of our time would be to establish a subcommittee to look at this and come back with recommendations on improving/refining the reporting. Anne thought Marilyn's idea had merit and strongly recommended pursuing it. Paul also supported Marilyn's suggestion.

No second was found for Steve's motion.

4) Marilyn then moved for the establishment of a subcommittee as she mentioned earlier. Ann seconded. Steve Gregory volunteered to be on the committee if the motion passed. The motion did pass. Al nominated Steve to be chair; Sara seconded. Steve Gregory asked Anne if she would like to be a member. Anne moved that Steve and Marilyn be co-chairs. The motion died for lack of a second. Gary directed Steve work with the staff and chair to move the process along.

Ed requested that motions and action plans be sent within one month after the meeting to remind ourselves of what was discussed. Marilyn suggested there may need to be a policy that items to be addressed on the agenda be submitted by a certain time in advance rather than coming up the day of the meeting.

Maripat then returned to the staff reports. Tab 8 was updated by the information Debra Sabourin had passed out in the morning. Tab 9 contained the letter advising providers of the new reimbursement rate. Tab 5 contained the new monthly status reports that will be distributed to the Council each month. Al wanted to discuss the new reimbursement rate, \$1.179. He felt that the Council should explore different mechanisms that would make sure providers giving good services would not be punished. Steve Bartlett agreed that the system emphasizes low cost, not quality of service, but the reimbursement rate is based on total costs, not just interstate costs.

Tab 10 contained the current results of the billing increment survey. The bottom line was that most carriers only rounded up at the end of the month, not on each call.

Ed Bosson and Steve Mecham excused themselves to make their flights at this time.

Maripat then reported on the FCC Form 499. Since the FCC had not yet approved the new form, it appeared that the FCC Form 431 would be issued again for 1999 to collect 1998 revenues. She also distributed copies of the NECA proposal to continue as TRS Fund Administrator.

Steve Gregory moved that the Council go on record supporting NECA's application to be the fund administrator for the forthcoming period. Pam seconded. Gary called for the vote; the motion passed with one abstention.

Al moved that columns be added to the data request form to determine different features that might help us be able to determine the extent of consistency for interstate calls. Marilyn seconded. Paul commented that the subcommittee was formed to revamp the form and the things Al mentioned would be addressed in the subcommittee. Al withdrew his motion and volunteered to serve on the subcommittee.

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OTHER BUSINESS

Maripat explained Tab 11 – recognition of Tom Sanew and Rob Hodges. The motion to adopt both of the resolutions was passed.

The next item on the agenda was the Council seat for the representative from the speech disability community. Pam made a motion that the Council file comments in support of an additional representative on the Council representing people with speech disabilities. Marilyn said it was necessary to focus on people with speech disabilities who may not have hearing disabilities. Marilyn seconded. The motion was passed with one abstention.

Judy moved that the NECA staff issue a press release after each meeting that summarizes the results of the meeting and that the staff actively recruit candidates when there is a vacancy on the Council. Al seconded. Anne suggested the motion be split. Al agreed. Judy requested a press release because she thinks that the consumers the Council represents need to know more about what is happening at the Council. The motion carried with one abstention.

Judy then moved the motion to actively recruit candidates to fill Council vacancies. Pam seconded. After discussion, the motion carried with five in favor and three abstentions.

Steve Gregory then raised a personal issue about reimbursement for childcare. He was concerned that the Council reimbursement rules discriminate against single parents. Steve submitted a request for reimbursement for childcare expenses for an August Council meeting and was refused. He made a motion to encourage NECA to get a definitive answer from the FCC about whether or not it's appropriate to reimburse single parents for their cost of care so that a person, an individual could serve on the Advisory Council. Paul seconded. Marilyn commented that she had been a single parent for 12 years but we would be opening up a whole issue that may not be appropriate in that there are a lot of other circumstances that people may have that may require caregivers. Judy moved to table this motion until the next meeting and take time to consider the broader ramifications, i.e., self-employed members. Pam seconded. The motion to table was carried.

SEPTEMBER MEETING LOCATION

After a discussion on date and location, the meeting was scheduled for September 24, 1999. A vote was taken to choose between Rochester, NY, Boston, MA, and Jacksonville, FL. Jacksonville was chosen.

ADJOURNMENT

Pam moved to adjourn; Judy seconded. The motion was carried. The meeting adjourned at 4:00 P.M.

Respectfully submitted,

Merilyn Crain
Secretary

By Maripat Brennan, NECA

Minutes approved by Interstate TRS Council on September 24, 1999.

Stephen Bartlett
Ed Bosson
Merilyn Crain, Secretary
Sara Kyle

Anne LaLena
Paul Ludwick
Stephen Mecham
Stephen Gregory

Pamela Ransom
Alfred Sonnenstrahl
Judith Viera
Gary Warren, Chair
04/27/00

Interstate TRS Advisory Council

MEETING MINUTES

SEPTEMBER 24, 1999

ATTENDANCE

The Interstate TRS Advisory Council met in Ponte Vedra Beach, Florida on September 24, 1999. The following Council members, listed according to the groups they represent, attended the meeting:

Interstate telecommunications service providers:	Steve Bartlett and Anne LeLena
State representatives:	
Regulatory:	Steve Mecham
Relay administrators:	Ed Bosson and Marilyn Crain
Persons with hearing and/or speech disabilities:	Judy Viera
TRS users:	Pam Ransom and Al Sonnenstrahl
TRS providers:	Paul Ludwick and Gary Warren

Council members unable to attend were Sara Kyle, state regulatory representative, and Jack O'Keeffe, representing persons with hearing and/or speech disabilities.

NECA representatives attending were Ken Levy, Vice President and General Counsel; John Ricker, Executive Director, Universal Service Support Programs; and Maripat Brennan, Manager, Fund Management.

Public representation at the meeting included Debra Sabourin, FCC Senior Attorney on TRS; Steve Hardy, President, Florida Association of the Deaf; Steve Gregory, New Jersey advocate; another gentleman named Steve, last name unknown, who works in St. Augustine; Janine Bony, a local SHHH member. Pam Gregory, Deputy Director of the FCC Disabilities Issues Task Force, joined the meeting via conference call to deliver her presentation.

Gary Warren, Council Chair, convened the meeting at 8:08 a.m. Meeting attendees introduced themselves and Mr. Warren reviewed the Council's communications rules.

AGENDA

In response to Gary Warren's request for additions or changes to the agenda, Judy Viera asked if there would be a report on the subcommittee meeting in St. Louis. Maripat Brennan replied the St. Louis meeting would be discussed during staff reports. Ms. Viera then asked about a proposed bylaw change that was not on the agenda. Copies of the item submitted by Ms. Viera were then made and distributed to the Council. The item was to be discussed during the Bylaws Update section of the meeting, scheduled on the agenda for 8:45 a.m.

Mr. Warren asked for any other comments or suggestions, or for a motion to approve. Marilyn Crain moved for approval; Anne LaLena seconded. The agenda was approved.

MINUTES

Gary Warren then asked if there were any additions or corrections to the minutes, or a motion to approve. Steve Bartlett moved for approval; Marilyn Crain seconded. Two corrections were requested by Judy Viera, one to clarify a statement by Pam Gregory and the other to indicate when Gary Warren resumed the chair after he had removed himself temporarily. Ms. Viera mentioned that whoever takes the role of

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presiding officer should be noted in the minutes. Also, Al Sonnenstrahl requested that, to avoid confusion, the speakers' last names should be used instead of first names.

The minutes were then unanimously approved.

ELECTION

Gary Warren asked for nominations for a Council Vice Chair. Marilyn Crain nominated Al Sonnenstrahl; Ed Bosson seconded. Mr. Bosson asked to move the nomination by acclamation; Judy Viera seconded.

The motion was carried unanimously with one abstention. Mr. Sonnenstrahl was elected as Vice Chair.

BYLAWS UPDATE

Gary Warren referred the Council to the bylaws' update in the meeting material concerning term lengths and the removal of a member. Judy Viera moved, for purposes of discussion, that the Council follow Robert's Rules of Order as it applies to procedures related to due process and discipline. Marilyn Crain seconded.

Maripat Brennan stated that the difference between Robert's Rules and the proposed bylaws update was that the bylaws proposal gave the constituent organization the final say in the removal of a member whereas Robert's Rules gave the authority to the Council. Ms. Crain commented that the due process part of Robert's Rules was valid but the Council does not have any authority over who is appointed or removed.

Ed Bosson asked if NECA could accept or refuse a nomination to the Council. Ms. Brennan replied that the organization nominating the person is solely responsible. Al Sonnenstrahl commented that he wanted to minimize the politics of the Council because he is concerned that telephone companies could manipulate organizations to remove an outspoken consumer. Mr. Sonnenstrahl also questioned which organizations are the appropriate ones that speak for consumers.

Pam Ransom agreed there were a variety of issues but thought taking them one at a time, focusing on the issue of removal at this time, would be most helpful. Ms. Ransom felt that the best way to preserve a member's autonomy and the ability to be outspoken is if the organization that selected them is also the organization that could remove them. Ms. Crain agreed with Ms. Ransom.

Ms. Viera stated that her motion had more to do with making sure the Chair and the Council as a whole respect the meeting procedures in place when the Council voted to follow Robert's Rules. By doing so, actions that seem to require dismissal won't go that far. Ms. Ransom suggested that there might be a way to meld the two recommendations together. Ms. Crain thought that the Robert's piece was extraneous since the Council had already adopted the Rules.

After more discussion, Ms. Crain called the question. Ms. Viera's motion was defeated. Ms. Crain then moved to add "except when in conflict with the bylaws, in which case, the bylaws will prevail" to the section on **Meetings and Meeting Accommodations**, following "Meetings will be conducted according to the most current version of Robert's Rules of Order. Steve Bartlett seconded the motion. The motion passed by a vote of six to three.

Mr. Bartlett made a motion to approve the recommended bylaws change dealing with membership and terms; Ms. Crain seconded. Ms. Ransom asked for an explanation of why there were two different decision making methods. Ms. Brennan explained that the first method refers to groups where there are two members and the second to groups where there are three members. The motion was then passed unanimously.

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Mr. Bartlett then made a motion to approve the bylaw concerning removal of a Council member; Mr. Ludwick seconded. Mr. Sonnenstrahl questioned the determination of representative TRS consumer organizations. Mr. Levy replied that the leading organizations in each constituent group have been contacted and the choice of a representative has been left to them. NECA has not been aware of any internal conflicts among constituent groups. The motion was then passed unanimously. Mr. Sonnenstrahl requested that the dialog be summarized and included in the minutes.

Ms. Brennan then summarized the activities surrounding adding a member representing the speech disability community to the Council. The American Cancer Society, American Heart Association, American Speech Language Hearing Association, United Cerebral Palsy, and United States Society on Augmentative and Alternative Communication were contacted and requested to coordinate with each other in the selection of a representative to the Council. Because the organizations didn't choose a single candidate, NECA will hold an election so that the five organizations may vote on the three candidates submitted.

APRIL 2000 MEETING LOCATION

Ms. Brennan explained that changes to the TRS FCC filing schedule in 2000 make it necessary to have the meeting in April instead of February or March. The reimbursement rate filing had been submitted to the FCC on October 1 in the past but would be submitted May 1 beginning in 2000. In order for the Council to review the package prior to its submission to the FCC, it would be necessary to meet close to the end of April. Washington, DC was proposed because of its proximity to the FCC, to minimize staff travel during its busiest period, and because the first meeting of the year has traditionally been held in DC.

Ms. Ransom moved that the next meeting be held in Washington, DC in the April 19 through 21 time frame; Steve Mecham seconded. The motion was approved.

FCC UPDATE ON TRS

Debra Sabourin provided the Council with an update on FCC TRS activities.

Ms. Sabourin thanked everyone who has helped the Commission during the last year and hoped that help would continue, whether via email, by phone or in person. She reviewed changes in the Network Services Division leadership, additions to the TRS team and distributed a new contact list.

Ms. Sabourin mentioned the reappointment of NECA as the TRS administrator and the addition of a third Council member in the hearing and speech disability community category. She also alluded to the consolidated forms order that replaced the forms used for five different funds with one form; TRS was one of those funds. There should be no impact on the Fund itself other than a change in the form and the reporting schedule.

Ms. Sabourin commented on the FCC 711 Forum, held on September 8. Ms. Crain complimented Ms. Sabourin on having coverage on the Internet but she was unable to figure out how to make her remarks. Ms. Viera agreed. Mr. Sonnenstrahl and Mr. Bosson said that captioning of the forum via the Internet was a problem. But all agreed that this was an excellent effort and it would improve going forward. Ms. Sabourin noted that a transcript of the forum was on the Internet. She also felt that holding a forum shortens the time necessary to collect data in a FCC proceeding.

Ms. Sabourin included a public notice on hearing aid compatibility in her handout. The notice reminded telephone manufacturers that all phones manufactured in the US or imported for use in the US must have a volume control feature by January 1, 2000. Companies are still calling looking for more time.

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Mr. Bosson asked how the FCC would respond if the company said the state equipment distribution programs were taking care of this. Ms. Sabourin hasn't heard anything about that; questions are more related to having to redesign phones to meet the requirements.

Ms. Sabourin then discussed carrier of choice and the recently released public notice on that topic. A seasoned attorney has been hired to deal with this issue and the compatibility of TRS with wireless TTYs and cell phones. Mr. Bosson mentioned the billing problems associated with using a cell phone through TRS. Mr. Sonnenstrahl suggested the addition of a wireless industry representative to the Council. Ms. Sabourin also mentioned another related telecommunications issue - calling party pays (callers to cell phones would be billed for the calls).

Ms. Sabourin also mentioned a handbook on how to participate and be involved in a FCC rulemaking process; it is available on the FCC website.

Representatives from New Zealand and Australia have visited the FCC to learn more about TRS in this country.

Concerning the TRS improved services rulemaking, Ms. Sabourin said more than 100 comments were received. The process is moving along but there is not date yet for the release of the Order. Mr. Sonnenstrahl said consumers are very concerned with the long delay on TRS orders. They know Chairman Kennard is supportive but he is a political appointee and things could change with the next presidential election. Ms. Sabourin replied that she wished she could tell the Council more, but at this time, this was all she was allowed to share.

On coin sent paid, an order was issued deferring the rules for one more year.

Mr. Warren thanked Ms. Sabourin for her diligence at the FCC and agreed that the level of activity on TRS has increased.

FCC UPDATE ON DISABILITIES ISSUES TASK FORCE

Pam Gregory joined the meeting via conference call from the FCC to deliver her update on the Disabilities Issues Task force.

Ms. Gregory announced that an email address for the task force had been set up to receive messages from consumers and the "DITF info" list had been set up to distribute information on disability and accessibility issues to interested people. She encouraged everyone to subscribe to the list.

Ms. Gregory reported that one of the big things going on was the passage of Section 255 in July. Because of including interactive menus and voice mail in the section through the use of ancillary jurisdiction, release of the item had been delayed somewhat but was expected shortly. Judy Viera asked Pam about other services that are or are not included in Section 255. Ms. Gregory replied that email would not be included because it is an information service and not covered by Section 255. Ms. Gregory also explained that the Commission is still under a sunshine notice on Section 255 until the document is released and she is limited to addressing only information that was contained in the Section 255 press release.

Ms. Gregory noted that on July 14 the Commission released an NPRM for closed captioning and digital television. One item the NPRM concerns is adequate space for the captioning; another is whether captioning would be available in a digital television environment and can the consumer choose the size and typeface. Also, can captioning in other languages be provided; or can various reading levels be offered as an option?

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Another item the FCC is working on is an NPRM on "primary" line and how it is defined for people with disabilities. Ms. Gregory also referred to calling party pays. Some feel that having the calling party pay for wireless calls instead of the called party would increase wireless usage. With this service, the caller would likely get a message advising the cost of the call and asking whether or not they were willing to pay for it. Concerns surround how that call would be handled through TRS. Gary Warren commented that as a relay provider, he does have concerns about the process. Paul Ludwick asked what the comment schedule was; the response was mid September.

Ms. Gregory then discussed Enhanced 911 and the issue with wireless telephones, and the use of TTYs with wireless to call E911. For a long time, no progress was seen but the FCC Chairman started pressuring the carriers and one solution has come along that will be field-tested. Another item the Commission is working on is an amendment to Section 508 of the Rehabilitation Act that says that electronic equipment purchased by the federal government must be accessible to people with disabilities. This would include information services and items that Section 255 does not address; exceptions include technology needed for top secret activities or national defense.

Al Sonnenstrahl commented on a contract he had seen recently from the Department of Education. It specified physical accessibility requirements but didn't mention captioning or TTYs. He asked Ms. Gregory to help Education understand what's needed for deaf children. Ms. Gregory agreed that was a good point and mentioned there were questions about how far Section 508 would go.

Ms. Brennan asked Ms. Gregory to comment on the section in Chairman Kennard's plan for the 21st century that states the FCC will establish a consumer advisory board to advise the agency on consumer issues including issues involving individuals with disabilities. Ms. Gregory said that after several public forums, a strategic plan was developed on what the FCC should be doing. Part of that proposal was to set up an enforcement bureau and the DITF has been working with them on an enforcement process, and a consumer information bureau that would respond to all consumers and have dedicated staff who would look at issues that effect consumers with disabilities. They would like to see a strong consumer board with a subpart that would just be for consumers with disabilities. All this depends on congressional approval and the Commission funding.

Mr. Sonnenstrahl asked Ms. Gregory about technical assistance – will the FCC provide training to the disability community on how to enforce the rules. Ms. Gregory responded that this is being considered but she won't know for sure until the budget is approved.

Mr. Warren thanked Ms. Gregory for her presentation, repeating the feeling that there's been an increased level of activity on relay and disability related issues and her efforts are appreciated. Ms. Gregory thanked him and also expressed her appreciation for the Network Services Division and its work on TRS as well as the work of the Advisory Council. She also felt that FCC Chairman was very involved in disability issues and they would keep moving forward with an eye on the target.

NOVEMBER 2000 MEETING LOCATION

Ken Levy suggested meeting in San Diego in November because the NARUC meeting is November 12 – 15. Ms. Crain felt that if the Council did choose this location, that the meeting should be before NARUC so as not to get close to Thanksgiving. Mr. Levy explained that there were subcommittee meetings prior to November 12 and most commissioners were there early too.

Mr. Ludwick commented that continuing to meet in September meant a meeting every six months rather than April to November with eight months in between. He felt cost recovery issues needed to be addressed in a timely fashion and didn't see the benefit of postponing the meeting for two months.

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Steve Mecham supported Mr. Levy's suggestion. Ms. Crain didn't think the California suggestion was the issue but rather the timeframe. She asked the members to think about this over the next months and suggest some alternative times and places that could be shared via email. Mr. Levy agreed.

NECA STAFF REPORTS

Ms. Brennan first reviewed information in several tabs in the meeting material that was not going to be addressed at the meeting. These included Judy Viera's speech at TDI and highlights from the TDI convention; FCC Chairman Kennard's strategic plan; the coin sent paid order; a letter to TRS providers giving them the option to report their monthly minutes electronically; copies of the press release and letters about the meeting; an updated Council name and address list; and an expense report form.

Ms. Brennan provided the current fund status – balance \$26.4M, monthly contributions expected for the rest of the fund year \$21.5M; payments to TRS providers \$16.7M; NECA expenses \$188K, of which \$11.7K are Council expenses. Over 4,000 FCC 431 TRS Worksheets have been processed providing \$38.9M in contributions, 100% of the fund requirement. Provider minutes have remained under forecast – in August, providers were reimbursed for 2.9M June minutes. For the fund year from April 1998 to March 1999, the fund balance has remained between \$23M and \$27M – there is a robust surplus in the Fund. Mr. Ludwick asked if cellular and PCS companies pay into the Fund; Ms. Brennan confirmed they do.

Ms. Brennan then reported on the provider center data request and the St. Louis meeting. The reporting format subcommittee met in St. Louis in April. Between the February Council meeting and the April subcommittee meeting, a survey was distributed to the TRS providers to find out if they felt they were reporting all the expenses they could report and could be reimbursed for. Survey results indicated most companies understood what they were allowed to report and be reimbursed for; they were comfortable with the reporting structure. Some companies misunderstood a few things and those misinterpretations were taken into account in updating the center data request form.

The subcommittee did decide that there could be significant separate interstate expenses and that specific questions should be put on the data request asking about these expenses. A separate section was added to the form for this purpose.

The subcommittee also realized that since speech to speech and video relay were going to be reimbursed by the FCC, we should request this information on the center data request as well in order to do some preliminary work in developing a reimbursement rate for these two services.

Ms. Brennan then reviewed charts on the preliminary reimbursement rate for 2000. One chart demonstrated the impact on the reimbursement rate when "interstate only" costs are averaged across all minutes. The other showed the impact of averaging "interstate only" costs only across interstate minutes.

The Council then broke for lunch.

LUNCH BREAK

Mr. Warren reconvened the meeting after lunch and allowed audience members who would not be able to stay for the entire meeting the opportunity to express themselves.

Steve Hardy, President of the Florida Association of the Deaf, spoke about TRS issues in Florida. He mentioned that the Florida relay center was closed for one and a half days during the recent hurricane and there was no TRS available. The deaf community was concerned about whom to complain to because they do not feel the Florida Public Service Commission addresses their issues. Mr. Hardy came to the Council because of its connection with the FCC.

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Mr. Hardy then mentioned that the emergency broadcast information for the hurricane had not been captioned. Mr. Hardy asked for advice from the Council on fixing these things. Where would he go to complain?

Mr. Warren responded that formal complaints can be filed with the state and with the FCC, but that the Council doesn't have a formal procedure to handle these types of things. Ms. Crain commented that she lives in Louisiana, which has hurricanes, and that they have contacted radio and TV stations to make them aware of the situation. They have suggested using a chalkboard or something to write information on so that it can be viewed on the TV. Also, she said state contracts have provisions for emergencies and Mr. Hardy should contact the state administrator to see what actually happened.

Mr. Sonnenstrahl commented that Mr. Hardy needed our help now. He came to the meeting to get our expert help. Even if he filed a complaint with the state today, it would take months to get settled. Mr. Bosson encouraged Mr. Hardy to file an emergency filing - they must be addressed immediately. Ms. Crain also said that Louisiana's utility commission requires all utilities to file a hurricane preparedness plan annually, and when that's done, it's good to send a reminder to TV and radio stations reminding them of the needs of the hearing impaired.

NECA STAFF REPORTS

Mr. Sonnenstrahl commented that he doesn't feel comfortable seeing every center get equal treatment since there is a variance in functional equivalency. Mr. Bartlett agreed but said that until the FCC changes our charter, the Council can't do anything other than the average reimbursement.

Ms. Brennan then reviewed speech to speech and video relay expenses that had been provided by a few of the vendors. It is expected that reimbursement rates for these services would be separate from the traditional reimbursement rate. She explained that this data is far from final since only a few providers responded and the numbers were very different among the providers.

Mr. Sonnenstrahl commented that, when it comes to video relay, there is a need to define what is video relay and what is video interpreting. Parameters need to be set. Ms. Crain agreed and hoped the FCC would address this in any mandate for these types of services.

Paul Ludwick commented that one of the reasons the costs are so varied is there aren't any national standards. Once the NPRM is released, better cost comparisons can be made.

Ms. Brennan then explained how the funding process would change to accommodate all of the changes required by the FCC order on streamlining revenue reporting requirements:

Contribution base changed from gross interstate revenues to end user interstate revenues
\$100 minimum reduced to \$25

FCC Form 431 eliminated; new FCC Form 499 A will be used, due April 1

Carriers no longer have to pay their contributions when they file the form; they will be billed

Fund year changes from April - March to July - June.

Mr. Ludwick asked if Sprint, which sells their network use to other companies and also provides service to end users, will contribute to TRS only based on end user revenue. Mr. Ricker confirmed that the change to end user revenues for the contribution base was a major change to the fund.

Ms. Brennan then explained the tentative plan for transitioning the fund year from April - March to July - June. Because of the size of the fund surplus, it would be possible not to bill carriers for April, May and June and still be able to pay the TRS providers, even if STS and VRI minutes were included in the monthly reports for reimbursement.

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Gary Warren, Chair

Mr. Ludwick asked if the contribution factor would be adjusted in the future so that the surplus would not grow to be as large again. Mr. Ricker answered that, since the factor will now be developed based on actual revenues and not projected revenues as was done in the past, we don't expect to have a surplus of this size again.

Mr. Bartlett asked if we were sure we had the authority not to bill for three months since the FCC Order stated that the Commission was extending the current funding period. Ms. Brennan responded that she had met with the FCC to review the proposal with them and expected to implement the proposal as discussed. (NECA met with the FCC in September to discuss the proposal in detail, showing the various scenarios – worst case with no contributions coming in to see just how long the surplus would last, and the expected scenario with billing beginning again in July 2000. The FCC staff appeared satisfied that the fund would remain solvent if the carriers were not billed for April, May and June. In late October, NECA was advised that the FCC Common Carrier Bureau Deputy Bureau Chief approved our proposal as long as the Fund would not be harmed.)

Ms. Viera asked if the growth rate used in the proposal was sufficient in light of the implementation of 711 access. Ms. Brennan answered that 711 implementation would occur over time and this proposal was for the short term.

Mr. Sonnenstrahl asked how the carriers felt about the proposal; would they support this or prefer another option. Mr. Bartlett answered that he would prefer to get the money now rather than a lower factor later. Ms. LaLena thought it would be better if the carriers did not have to be billed during those months and requested more detail concerning the September meeting with the FCC be included with this meeting's minutes. (See paragraph 2 above.)

Ms. Brennan then reviewed the current schedule of events leading up to the October 1 FCC filing and how the schedule would change with an anticipated May 1 filing date. Because of the change in schedule, she asked for comments from the provider representatives on whether or not to ask for updates on the provider projections since they had been submitted in July 1999. It was decided that the providers would be given an opportunity to update their projections but not be required to do so.

Ms. LaLena wondered if it made sense for the FCC to put out a public notice showing how each of the funds are handling the transition periods. Ms. Sabourin thought it made sense and Mr. Ricker agreed it was a good idea.

Ms. Brennan continued reviewing the transition schedule and its associated activities. She concluded with the schedule for the funding year once the transition is completed.

OLD BUSINESS

Mr. Warren noted that there were two motions tabled at the last meeting. Ms. Viera said that Robert's Rules requires action on tabled motions within three months or they are dead so both of these motions were now moot. Ms. LaLena asked that the page or chapter be given when the Rules are cited; Ms. Viera responded with page 296.

NEW BUSINESS

Liquidated damages assessed by states

Ms. Crain felt that having liquidated damages in the contract does provide some leverage, however, most contracts do not have provisions for liquidated damages. Ms. Viera felt that where states with liquidated damage provisions found it necessary to assess them, the percentage of liquidated damages associated with interstate calls should be transferred to the interstate TRS fund. Ms. Crain disagreed because the contract is only germane to the state and the vendor, and the liquidated damages are based strictly on intrastate traffic.

*Stephen Bartlett
Ed Bosson
Marilyn Crain, Secretary*

*Sara Kyle
Anne LaLena
Paul Ludwick
Stephen Mecham
Jack O'Keeffe*

*Pamela Ransom
Alfred Sonnenstrahl, Vice Chair
Judith Viera
Gary Warren, Chair*

Internet relay access and reimbursement

Mr. Ludwick explained that many states and probably TRS providers as well have suggested the use of the Internet to access relay service. Access to the service via the Internet is not difficult but the process becomes complicated when it comes to billing the call. With traditional TRS, the provider knows where the call is coming from via automatic number identification (ANI) and a determination can be made, based on the calling and the called numbers, whether the call is intrastate or interstate. With the Internet, the originating number information only gets to the Internet provider. Mr. Ludwick suggested the Council take a proactive approach to develop a proposal for the FCC that would include asking the FCC to investigate the inclusion of Internet relay into the interstate funding mechanism and recommending how to allocate the minutes between intrastate and interstate.

Ms. Ransom asked for an explanation of just what the Internet calling procedure was. Mr. Ludwick explained that it is very similar to traditional TRS calling but rather than using a switched circuit, packet technology is used. TRS is typically a data user to relay and a voice user to relay. In the case of an Internet call, the data user is using a computer instead of a TTY. Ms. Ransom asked if it couldn't be the voice user making an Internet telephony call and then making a TRS call. Mr. Ludwick thought it could evolve to that but that's not the primary application now.

After more discussion on the topic, it was agreed that more information was necessary and that NECA staff would work with Mr. Ludwick to better frame the issue for the Council so that it can be addressed at the next meeting.

Carrier of Choice

Ms. Viera felt the issue had been covered by Ms. Sabourin and the staff reports, and that the FCC is dealing with this issue. Mr. Sonnenstrahl brought up a related issue concerning incentives offered by carriers for dialing direct. How can the carriers figure this out with relay calls? Mr. Ludwick replied that with carrier of choice, the call is transported to the carrier using equal access trunks and the relay call looks exactly like a direct call. Mr. Sonnenstrahl asked if this policy was consistent among providers. Mr. Warren said he didn't know any providers who weren't handling it that way.

Calling Party Pays

Mr. Warren thought this had been covered enough earlier but that it was important to those interested to follow the proceeding. Mr. Sonnenstrahl asked if there was any difference between the Internet relay issue and the CPP. Mr. Warren and Mr. Ludwick felt the items were separate – Internet relay was a reimbursement issue but CPP was not. Mr. Bosson felt that if a deaf person used CPP, they should get a 75% discount because of the typing involved.

PUBLIC COMMENTS

Steve Gregory stated that he had enjoyed serving on the Council and working with the members; that it was a pleasure to know everyone. He then asked Ms. Sabourin if the FCC was considering improved services other than speech to speech and video relay. Ms. Sabourin answered that those were the two mentioned in the NPRM but she could not comment on others. Mr. Gregory then asked if the Network Services Division (NSD) has deferred to Pam Gregory's group on the question of an advisory council on quality issues, or if the NSD was still considering a relay advisory council on quality issues. Ms. Sabourin said she couldn't answer, that this was internal to the Commission but that it was not a question of whether it was needed but more of how it will be formed, who would be on it, and how it will be funded.

Stephen Bartlett
Ed Bosson
Merilyn Crain, Secretary

Sara Kyle
Anne LaLena
Paul Ludwick
Stephen Mecham
Jack O'Keeffe

Pamela Ransom
Alfred Sonnenstrahl, Vice Chair
Judith Viera
Gary Warren, Chair

ADJOURNMENT

Ms. Crain moved to adjourn; Mr. Ludwick seconded. The motion was carried and the meeting was adjourned at 3:25 p.m.

Respectfully submitted,

Merilyn Crain
Secretary

By Maripat Brennan, NECA

Minutes approved by Interstate TRS Council on April 25, 2000.

Stephen Bartlett
Ed Bosson
Merilyn Crain, Secretary

Sara Kyle
Anne LaLena
Paul Ludwick
Stephen Mecham
Jack O'Keeffe

Pamela Ransom
Alfred Sonnenstrahl, Vice Chair
Judith Viera
Gary Warren, Chair

04/27/00

CERTIFICATE OF SERVICE

I hereby certify that a copy of the foregoing filing was served this 1st day of May, 2000, by mailing copies thereof by United States Mail, first class postage paid, or by hand delivery, to the persons listed below.

Robert Falkner

Robert Falkner

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